

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----x
RASHAWN MAURICE SPENCER

Plaintiff/Petitioner,

- against -

Index No. 34455/2019E

JOHN CHUNG

Defendant/Respondent.

-----x
NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the Internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

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- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or Internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 12/6/19

DOMINICK W. LAVELLE

Name

Firm Name

100 HERRICKS ROAD - SUITE 201

Address

MINEOLA, NY 11501

516-739-8111

Phone

DLAVELLELAWFIRM@yahoo.com

E-Mail

To: _____

6/6/18

Index #

Page 2 of 2

EFM-1

FILED: BRONX COUNTY CLERK 12/06/2019 03:38 PM

NYSCEF DOC. NO. 1

INDEX NO. 34455/2019E

RECEIVED NYSCEF: 12/06/2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

RASHAWN MAURICE SPENCER,

34455/2019

x Index No. :
 : Date purchased: 12/06/2019
 : Plaintiff(s) designate(s)
 : Bronx
 : County as the place of trial
 Plaintiff, :
 : The basis of the venue is
 : residence of the Plaintiff
 :
 : SUMMONS
 :
 : Plaintiff resides at
 : 1428 Webster Avenue
 : Bronx, New York

Defendant. :

-----x County of Bronx
 To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: December 5, 2019

Defendant Address:

Dominick W. Layelle
 Attorney(s) for Plaintiff
 Office and Post Office Address
 100 Herricks Road, Suite 201
 Mineola, New York 11501

JOHN CHUNG
 19 Dayton Road
 Parsippany, New Jersey 07054

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FILED: BRONX COUNTY CLERK 12/06/2019 03:38 PM

NYSCEF DOC. NO. 1

INDEX NO. 34455/2019E

RECEIVED NYSCEF: 12/06/2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----x
RASHAWN MAURICE SPENCER, :
: ;
: Plaintiff, : Index No.: 34455/2019
: ;
: -against- : Date of Filing:
: ;
: JOHN CHUNG, : VERIFIED COMPLAINT
: ;
: Defendant. :
-----x

Plaintiff, RASHAWN MAURICE SPENCER, by and through his attorney DOMINICK W. LAVELLE, ESQ., complaining of the defendant herein, hereby alleges as follows:

1. That at all times hereinafter mentioned, plaintiff RASHAWN MAURICE SPENCER, is a resident of the County of Bronx, residing at 1428 Webster Avenue, Bronx, New York.

2. That in and at all times hereinafter mentioned and upon information and belief defendant JOHN CHUNG is an individual residing at all times relevant to the within action at 19 Dayton Road, Parsippany, New Jersey 07054.

3. That at all times hereinafter mentioned, plaintiff, RASHAWN MAURICE SPENCER, was the owner and operator of a 2015 Nissan, registered in the State of New York, bearing license plate number ZGC7970 (the "Nissan").

4. That at all times hereinafter mentioned defendant JOHN CHUNG was the owner and operator of a 2016 Honda Sedan, registered in the State of New Jersey, bearing license plate number M88HGN (the "Honda").

5. That on the 10th day of May 2018, on Mulberry Street near the intersection of Bayard Street, was a public roadway in the County of New York, State of New York.

6. That on the 10th of May 2018, at approximately 10:20 A.M., the Honda owned and operated by defendant JOHN CHUNG did come into contact with the Nissan owned and operated by plaintiff RASHAWN MAURICE SPENCER on on Mulberry Street near the intersection of Bayard Street, was a public roadway in the County of New York, State of New York.

7. That defendant was negligent in control, operation, ownership and maintenance of said Honda.

8. That defendant was negligent in the ownership, control, operation and maintenance of said Honda and thereby did cause a collision to occur. The defendant negligently and carelessly operated said vehicle at an excessive rate of speed for the conditions there and then existing; failed to operate said vehicle within the posted speed limit; failed to keep proper control of said vehicle; failed to yield to traffic; failed to properly use signalling and safety devices; failed to keep a proper lookout

FILED: BRONX COUNTY CLERK 12/06/2019 03:38 PM
NYSCEF DOC. NO. 1

INDEX NO. 34455/2019E

RECEIVED NYSCEF: 12/06/2019

under the circumstances then existing to see and be aware of what was in view; failed to use reasonable care to avoid an accident.

9. That by reason of the foregoing, plaintiff RASHAWN MAURICE SPENCER was injured.

10. That the foregoing accident and the resulting injuries and damages to plaintiff RASHAWN MAURICE SPENCER were caused solely by virtue of the carelessness, negligence and culpable acts and conduct on the part of the defendant and without any negligence on the part of the plaintiff contributing thereto.

11. That this action falls within one or more of the exceptions set forth in CPLR 1602.

12. That by reason of the foregoing, plaintiff RASHAWN MAURICE SPENCER was severely injured and damaged, rendered sick, sore, lame and disabled, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are permanent in nature and duration, and plaintiff RASHAWN MAURICE SPENCER will be permanently caused to suffer pain, inconvenience and other effects of such injuries; plaintiff incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries and plaintiff RASHAWN MAURICE SPENCER has suffered and in the future will necessarily suffer additional loss of time and earnings from employment; and the plaintiff RASHAWN MAURICE SPENCER will be

FILED: BRONX COUNTY CLERK 12/06/2019 03:38 PM

INDEX NO. 34455/2019E

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 12/06/2019

unable to pursue his usual duties with the same degree and efficiency as prior to this accident, all to his damage.

13. That as a result of the foregoing, this plaintiff RASHAWN MAURICE SPENCER suffered a serious injury as defined by Section 5102 (d) of the Insurance Law of the State of New York.

14. That by reason thereof, plaintiff RASHAWN MAURICE SPENCER is entitled to recover from non-economic loss and for such economic losses that are not included within the definition of the "basic economic loss" as set forth in Section 5102 (a) of the Insurance Law of the State of New York.

15. The plaintiff is a "covered person" as defined by Section 5102(j) of the Insurance Law of the State of New York.

16. That at all times hereinafter mentioned, plaintiff, RASHAWN MAURICE SPENCER was wearing a seat belt and was in compliance with the New York State Seat Belt Law.

17. That by reason of the foregoing, plaintiff, RASHAWN MAURICE SPENCER has suffered damages in an amount which exceeds the jurisdictional limits of all the lower courts.

WHEREFORE, plaintiff RASHAWN MAURICE SPENCER demands judgment against the defendant JOHN CHUNG in an amount which exceeds the jurisdictional limits of all the lower courts, the costs and

FILED: BRONX COUNTY CLERK 12/06/2019 03:38 PM

INDEX NO. 34455/2019E

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 12/06/2019

disbursements of this action, and such other relief the court may
deem just and proper.

Dated: Mineola, New York
December 5, 2019

Respectfully submitted,


Dominick W. Layelle
100 Herricks Road, Suite 201
Mineola, New York 11501
(516) 739-8111

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FILED: BRONX COUNTY CLERK 12/06/2019 03:38 PM
NYSCEF DOC. NO. 1

INDEX NO. 34455/2019E

RECEIVED NYSCEF: 12/06/2019

VERIFICATION

EMILY K. LAVELLE, an attorney admitted to practice in the Courts of the State of New York, affirms the following under the penalties of perjury:

I am an associate with the Law Office of Dominick W. Lavelle, the attorney for the plaintiff, RASHAWN MAURICE SPENCER, for the within action and I am fully familiar with the facts and circumstances herein.

I have read the foregoing SUMMONS AND VERIFIED COMPLAINT and know the contents thereof, to be true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

The grounds of my belief as to all matters not stated upon my own knowledge are based upon investigation and information gathered in my file.

The reason this verification is being made by the undersigned and not the plaintiffs is that said plaintiffs do not maintain residence in the county where your affiant maintains his office.

Dated: Mineola, New York
December 6, 2019

Law Offices of Dominick W. Lavelle



By: Emily K. Lavelle
100 Herricks Road, Suite 201
Mineola, N.Y. 11501
(516) 739-8111